IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

Bail Appl..No. 4991 of 2007()

CRIME NO. 360/07 OF GURUVAYUR POLICE STATION

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PETITIONER/ACCUSED

K.K.KRISHNARAJAN,
S/O DEVAKI AMMA, AGED 45, "SREEKRISHNA KRIPA",
NEAR THAMARAYUR AYYAPPA TEMPLE, POST THAMARAYUR,
GURUVAYOOR, CHAVAKKAD TALUK.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP.BY THE CIRCLE INSPECTOR OF POLICE,
GURUVAYUR POLICE STATION, GURUVAYUR,
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

AT THE END OF THE DAY AFTER DICTATION COMMENCED THE LEARNED COUNSEL FOR THE PETITIONER PRAYS THAT THIS APPLICATION MAY BE PERMITTED TO BE WITHDRAWN. REQUEST ACCEPTED. PETITION DISMISSED AS WITHDRAWN.

21.8.2007 SD/- R. BASANT, JUDGE

/TRUE COPY/

P.A. TO JUDGE

R. BASANT, J.

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Crl.M.A. No.4991 of 2007

in

B.A.No. 4000 of 2007

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Dated this the 23rd day of August, 2007

O R D E R

In favour of the petitioner, directions under Section 438 Cr.P.C. were issued as per order dt. 9.7.2007. The petitioner was directed to surrender before the learned Magistrate on 16.7.2007 and to comply with the other conditions imposed in the interests of a fair, efficient and expeditious investigation. The petitioner did not take advantage of that order. He did not surrender before the learned Magistrate. He did not make any request to this Court earlier for extension of time. On 22.8.2007, he conveniently has made the present application for a re-fixation of the schedule for appearance and to comply with the further directions.

2. What is the reason? Why is it that the petitioner did not appear on 16.7.2007? Why is it that he did not apply for extension in prompt time? An omnibus explanation is offered with the help of Annex.B dt.2.8.2007 that the petitioner was ill for the period from 10.7.07 to 2.8.07 and he was advised complete rest during this period.

The certificate and the petition do not explain why the petitioner did not come to this court after 2.8.07 till 22.8.2007. I have reasons to assume that the petitioner is not interested in complying with the conditions and is only attempting to delay and protract the proceedings. The petitioner is not entitled to any further equitable relief, he having not complied with the direction of the court and he having not satisfactorily explained his failure/omission to comply with the direction.

3. While granting anticipatory bail, the court alertly directs that the petitioner must surrender before the Investigating Officer and make himself available for interrogation. While equitable discretion is exercised in his favour, he has also got an obligation to ensure that he co-operates with the Investigator for the expeditious investigation. Such reckless non-compliance with the conditions and indiscriminate prayer for extension of time would affect the interests of a proper and expeditious investigation. I am not persuaded to hold that there is any sufficient reason to grant extension of time. The prayer must fail.

4. This petition is dismissed. Needless to say, the petitioner can surrender before the Investigating Officer or the learned Magistrate now and seek bail. If he surrenders, I repeat, his application for bail will have

to be considered by the learned Magistrate on merits, in accordance with law and expeditiously.

(R. BASANT)
Judge

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